

Dkt. 30436.11US06/SBA

#23
Goiga**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Peter S. Linsley et al.
Serial No. : 09/666,267 Examiner: P. Gambel
Filed : September 21, 2000 Group Art Unit: 1644
For : LIGAND FOR CD28 RECEPTOR ON B CELLS AND
METHODS

55 S. Lake Avenue, Suite 710
Pasadena, California 91101
September 23, 2002

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

SIR:

copy?
to check

PETITION UNDER 37 C.F.R. §1.182

Pursuant to M.P.E.P. §608.02(i), Applicants are hereby petitioning under 37 C.F.R. §1.182 to transfer the Formal Figures of "prior pending application" U.S. Serial No. 08/219,518 filed March 29, 1994 or U.S. Serial No. 08/219,116 filed March 29, 1994 for use in the subject application. This petition is being submitted in response to the Office Action dated April 22, 2002. No fee is deemed necessary in connection with this petition.

In the April 22, 2002 Office Action (Paper No. 8), the Examiner requested the submission of Formal Figures. The subject application is a divisional of an application containing the same figures and for which formal figures have already been filed. In fact,

Peter S. Linsley et al.
U.S. Serial No. 09/666,267
Filed: September 21, 2000
Page 2

the same set of formal figures has been submitted in connection with several related applications¹.

Pursuant to M.P.E.P. §608.02(i) Applicant may request the transfer for formal figures from a prior pending application upon the submission of a petition under 37 C.F.R. §1.182 demonstrating hardship. Below Applicants set forth the basis of their hardship:

1. The figures of the subject application correspond to figures previously filed in several other prior pending applications. (See U.S. Serial No. 08/219,518, filed March 29, 1994, now U.S. Patent No. 5,580,756 and U.S. Serial No. 08/219,116 filed March 29, 1994, now U.S. Patent No. 5,521,288).
2. To recreate another set of the same formal figures will be excessively timely and costly to Applicants. Because of the excessive and redundant cost to Applicants, Applicants will incur hardship in creating an additional set of formal figures which already exist in prior pending applications U.S. Serial No. 08/219,518 filed March 29, 1994, now U.S. Patent No. 5,580,756 and U.S. Serial No. 08/219,116 filed March 29, 1994, now U.S. Patent No. 5,521,288.

Accordingly, Applicants respectfully request that this petition be granted and that the formal figures of prior pending application U.S. Serial No. 08/219,518 filed March 29, 1994 and U.S. Serial No. 08/219,116 filed March 29, 1994, be transferred for use in connection with this application.

¹ See U.S.S.N. U.S. Serial No. 08/219,518 filed March 29, 1994 and U.S. Serial No. 08/219,116 filed March 29, 1994.

Peter S. Linsley et al.
U.S. Serial No. 09/666,267
Filed: September 21, 2000
Page 3

No fee is deemed necessary in connection with the filing of this petition. However, if a fee is deemed necessary, Applicants authorize the Patent Office to charge the amount of any such fee to Deposit Account No. 50-0306.

Respectfully submitted,

Date: 9/23/02

Sarah B. Adriano
Sarah B. Adriano
Registration No. 34,470
Teresa Y. Liang, Ph.D.
Registration No. 51,946
Mandel & Adriano
55 S. Lake Avenue, Suite 710
Pasadena, California 91101
(626) 395-7801

22/D
#0

DKT. 30436.11US06/SBA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Peter S. Linsley et al.
Serial No : 09/666,267
Filed : September 21, 2000
For : LIGAND FOR CD28 RECEPTOR ON B CELLS AND
METHODS

55 S. Lake Avenue, Suite 710
Pasadena, California 91101
December 12, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231
Box Petitions

FAX RECEIVED

MAR 04 2003

SIR:

PETITIONS OFFICE

**COMMUNICATION IN RESPONSE TO MARCH 4, 2003
TELEPHONE CONFERENCE WITH EXAMINER CHARLES S. BRANTLEY
CONCERNING DECISION ON PETITION UNDER 37 C.F.R. §1.182**

This Communication is being submitted in response to the Decision dated January 13, 2003 and the telephone conference between Examiner Brantley and Applicants' patent representative, Sarah B. Adriano, on March 4, 2003. In the March 4, 2003 telephonic conference, the Examiner noted that the abandonment of the subject application was in error and requested a copy of the Applicants' response to the April 22, 2002 Office Action that was submitted on September 23, 2002.

There is no due date for the submission of this Communication. Accordingly, this Communication is being timely filed.

Applicants: Peter S. Linsley et al.
U.S. Serial No.: 09/666,267
Filed: September 21, 2000
Page 2

Applicants provide by facsimile, a copy of the Amendment in Response to the April 22, 2002 Office Action and a Declaration from Renato Marco P. Domingo verifying the timely submission of the September 23, 2002 Amendment and Petition Under 37 C.F.R. §1.182 (attached herewith as Exhibits A and B).

No fee is due in connection with this Communication. However, if a fee is deemed necessary, Applicants hereby authorize the Patent Office to charge the fee to the Deposit Account No. 50-0306.

Respectfully submitted,



Sarah B. Adriano
Registration No. 34,470
SaraLynn Mandel
Registration No. 31,853
Mandel & Adriano
55 S. Lake Avenue, Suite 710
Pasadena, California 91101
(626) 395-7801
Customer Number: 26,941

EXHIBIT A

U.S. Serial No. 09/666,267
Copy of the Amendment
in Response to the April
22, 2002 Office Action and
Petition for Two-Month
Extension of Time

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

Applicants: Peter S. Linsley et al.

Serial No: 09/666,267

Filed: September 21, 2000

Title: LIGAND FOR CD28 RECEPTOR ON B CELLS AND METHODS

Docket: 30436.11U906

Date of Deposit: September 23, 2002

Transmittal sheet, in duplicate, containing Certificate under 37 CFR 1.8,
Amendment in Response to the April 22, 2002 Office Action and Petition for Two-Month Extension of
Time

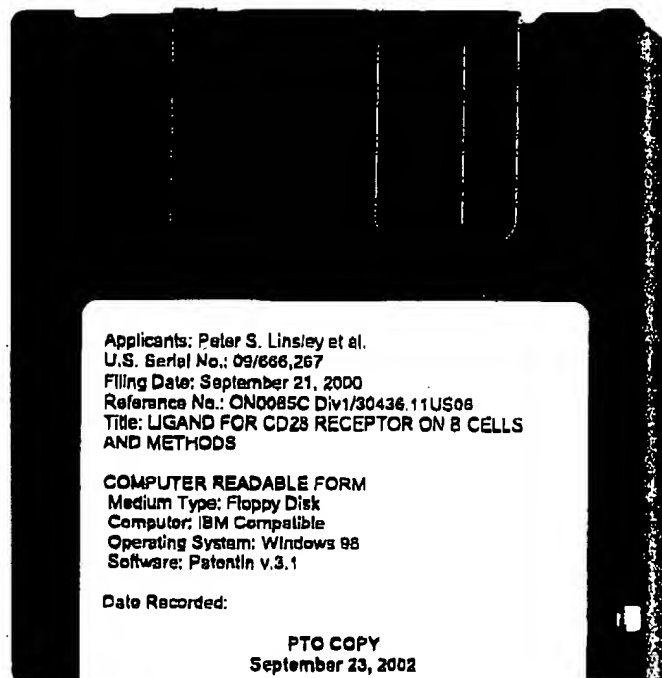
Exhibits 1 - 6

A check in the amount of \$390.00 to cover the filing fee

Return postcard

Patent

SBA



FAX RECEIVED

MAR 04 2003

PETITIONS OFFICE